

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

September 27, 2010

The Council convened at 7:03 P.M., President of the Council Thomas P. Tafelski presiding. Present at roll call were Councilmembers Darany, Hubbard, O'Donnell, Sareini, Shooshanian and President of the Council Tafelski; absent, Councilmember Abraham. A quorum being present, the Council was declared in session.

Father Terrence Kerner of St. Joseph & St. Martha Catholic Churches delivered the invocation.

By Shooshanian supported by Hubbard.

9-553-10. RESOLVED: That the minutes of the previous regular meeting of September 7, 2010, and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Shooshanian supported by Hubbard.

9-554-10. RESOLVED: That the proposed resolution by Councilmembers Darany and Hubbard granting permission to Mahamoud Ashour to redeem the property located at 7103 Payne, subject to certain stipulations be and is hereby taken from the table.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Hubbard.

9-555-10. WHEREAS: In October 2009, the City acquired 10 properties from the Wayne County Treasurer through the City's right of first refusal in the tax-reversion process, and

WHEREAS: 7103 Payne is included among the list of properties acquired, and

WHEREAS: The house located at 7103 Payne is a two-family unit that appears to be vacant, and

WHEREAS: An inspection was done on June 29, 2010 and the house was deemed to be an unsafe structure and was recommended for demolition, and

WHEREAS: It is estimated that it will cost at least \$48,000 to bring the house up to minimum standards, and

WHEREAS: In November 2008, the house was posted as unfit for human habitation due to several health and safety violations, and

WHEREAS: The previous owner, Mahamoud Ashour wrote a letter to the City requesting redemption, and

WHEREAS: It has been the City's past practice to allow a previous owner to redeem due to an oversight or extenuating circumstances, and

WHEREAS: Mr. Ashour contends that he was overcome by many hardships, including a death in the family and a car accident in 2007, and

WHEREAS: Based upon those events, Mr. Ashour claims that he was unable to pay for the outstanding taxes and unable to make repairs to the house, and

WHEREAS: It has been verified that he was involved in a car accident, and

WHEREAS: It is recommended that Mr. Ashour be allowed to redeem the house conditioned upon his signing a Hold Harmless Agreement to enter the house to make required repairs, and

WHEREAS: It is recommended that the approval for redemption is conditioned upon Mr. Ashour making the repairs required from the inspection report generated from the inspection conducted on June 29, 2010 within ninety (90) days of the effective date of the executed Hold Harmless Agreement, and

WHEREAS: It is recommended that the approval for redemption is conditioned upon Mr. Ashour converting 7103 Payne to a single-family residence in accordance with all applicable codes and statutes, and

WHEREAS: It is recommended that the approval for redemption is conditioned upon Mr. Ashour's acknowledgement and agreement that in repairing 7103 Payne and converting it to a single-family residence, he will comply with all zoning requirements and further acknowledges that this is a waiver of his right to seek a variance of these requirements, and

WHEREAS: It is recommended that the approval for redemption is conditioned upon Mr. Ashour making payment of all back taxes and interest, penalties, and costs through the date of closing. A final tabulation of monies owed will be calculated and prorated up to the date of the closing of the property; therefore be it

RESOLVED: That Mahamoud Ashour's request to redeem the house located at 7103 Payne is granted, conditioned upon the following:

- a. Execution of a Hold Harmless Agreement prepared and approved by the Office of the Corporation Counsel, outlining the conditions of redemption and providing Mr. Ashour with access to the house to make the repairs, and
- b. All repairs required from the Residential Services Div. inspection report generated from the inspection conducted on June 29, 2010 (PAD #8-129) must be completed within ninety (90) days of the effective date of the executed Hold Harmless Agreement, and
- c. 7103 Payne must be converted into a single-family residence in accordance with all applicable codes and statutes, and
- d. Repairs must be made in compliance with all zoning requirements and the right to seek a variance of the zoning requirements is waived, and
- e. Payment of all back taxes, interest, penalties, and costs up to the date of closing. A final tabulation of monies owed will be calculated and prorated up to the date of the closing on the property.

be it further

RESOLVED: That once all of the conditions described have been met, the Mayor is authorized to execute a Quit Claim Deed for land legally described as:

S. 20 ft. of Lot 280 and N. 20 ft. of Lot 281, Melrose Garden Sub, City of Dearborn, Wayne County, Michigan, as recorded in Liber 42, Page 95 of Plats, Wayne County Records.

Tax I.D. 82-10-071-04-019
Commonly known as 7103 Payne

be it further

RESOLVED: That if Mr. Ashour fails to meet any of the conditions described above within ninety (90) days of the effective date of the executed Hold Harmless Agreement, his redemption request is hereby denied and the City of Dearborn will retain legal and physical possession of the house located at 7103 Payne. The Corporation Counsel or her designee is then authorized to proceed with a formal eviction process and take necessary steps to retain the house; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Shooshanian supported by Hubbard.

9-556-10. RESOLVED: That Ordinance No. 10-1291 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

The Clerk then read Ordinance No. 10-1291, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the southerly portion of the westerly 183 feet of Parcel 82-10-072-17-013, the southerly portion of Parcel 82-10-072-17-014 and Parcel 82-10-072-17-001 from an Industrial B (Medium Industrial District) to an Industrial A (Light Industrial District) zoning classification.

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

9-556-10. Upon roll call the Ordinance was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Shooshanian.

9-557-10. RESOLVED: That Ordinance No. 10-1292 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

The Clerk then read Ordinance No. 10-1292, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the east 75 feet of Parcel 82-10-072-17-013 from an Industrial A (Light Industrial District) and Industrial B (Medium Industrial District) to a Business B (Community Business District) zoning classification.

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

9-557-10. Upon roll call the Ordinance was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Shooshanian.

9-558-10. RESOLVED: That Ordinance No. 10-1293 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

The Clerk then read Ordinance No. 10-1293, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property bounded by Ford Road on the north, Miller Road on the east, CSX Railroad on the south and on the west by the Robert Oakman's Michigan Avenue and Oakman Boulevard Subdivision from an Industrial C (Intensive Industrial District) to an Industrial B (Medium Industrial District) zoning classification.

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

9-558-10. Upon roll call the Ordinance was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Darany.

9-559-10. RESOLVED: That Ordinance No. 10-1294 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

The Clerk then read Ordinance No. 10-1294 entitled, "An Ordinance to Amend the City of Dearborn Employees Retirement System (Chapter 22)."

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

9-559-10. Upon roll call the Ordinance was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Shooshanian.

9-560-10. RESOLVED: That Ordinance No. 10-1295 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

The Clerk then read Ordinance No. 10-1295 entitled, "An Ordinance to Amend the City of Dearborn Police & Fire Revised Retirement System (Chapter 23)."

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

9-560-10. Upon roll call the Ordinance was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

Councilmember Hubbard introduced Ordinance No. 10-1296, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the following property addresses: 6333 Schaefer - Previously a restaurant, 6345 Schaefer - The Islamic Institute of Knowledge (Parcel 82-10-074-08-001), 6409 Schaefer - The American Islamic Academy (Parcel 82-10-072-17-015) from Residential A (One Family Residential District) to Business B (Community Business District) zoning classification.

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Darany supported by Shooshanian.

9-561-10. RESOLVED: That proposed Ordinance No. 10-1296 be laid on the table.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

Councilmember Hubbard introduced Ordinance No. 10-1297, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property south of Prospect from Maple to the east line of Lot 141, William P. Bradley's Fordson Properties Subdivision from an Industrial C (Intensive Industrial District) to an Industrial B (Medium Industrial District) zoning classification.

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Shooshanian supported by Darany.

9-562-10. RESOLVED: That proposed Ordinance No. 10-1297 be laid on the table.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Shooshanian.

9-563-10. RESOLVED: That all of the public alley 16 feet wide, east of and parallel to Eugene Avenue, extending from the south line of Lot 71 extended to the west line of Wyoming Avenue, (86 feet wide) lying within F.&P.M. Park Subdivision, part of fractional section 17 T.2S.R.11E formerly Springwells Township, now the City of Dearborn, the State of Michigan, as recorded in Liber 16, Page 43 of Wayne County Records, be and the same is hereby vacated, discontinued and abolished, reserving and retaining, however, a 16 foot easement on, over, along, across, under, above and through all of such vacated alley as above described for public use and public utility purposes including use for sewers, together with surface drainage and surface drainage structures, utility mains, conduits and poles, together with access for the maintenance and/or installation thereof but not for public travel or transportation; be it further

RESOLVED: That the Clerk be and is hereby directed to record the within resolution in the office of the Wayne County Register of Deeds after it has become effective.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Hubbard.

9-564-10. RESOLVED: That all of the public alley 8 feet wide, west of and parallel to Porath Avenue, extending from the south line of Marvin Avenue (50 feet wide) to the north line of Porath Court (50 feet wide) lying within F.&P.M. Park Subdivision, part of fractional section 17 T.2S.R.11E formerly Springwells Township, now the City of Dearborn, the State of Michigan, as recorded in Liber 16, Page 43, of Wayne County Records, be and the same is hereby vacated, discontinued and abolished, reserving and retaining; however, an 8 foot easement on, over, along, across, under, above and through all of such vacated alley as above described for public use and public utility purposes including use for sewers, together with surface drainage and surface drainage structures, utility mains, conduits and poles, together with access for the maintenance and/or installation thereof but not for public travel or transportation; be it further

RESOLVED: That the Clerk be and is hereby directed to record the within resolution in the office of the Wayne County Register of Deeds after it has become effective.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Sareini.

9-565-10. RESOLVED: That all proposals received for Temporary/Contract Employee Services are hereby rejected except the proposals of Ramssoft Systems, Inc., Entech Staffing Solutions, and Special Multi Services, Inc, in a total annual amount not to exceed \$300,000 (three year total amount of \$900,000), that the aforementioned proposals are hereby accepted, that the Mayor is hereby authorized to execute formal three year contracts upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That these contracts shall be financed City-wide and is contingent upon available budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Shooshanian supported by Darany.

9-566-10. RESOLVED: That all bids received for Nortel Telephone Maintenance, Software Upgrade and On-Site Technician are hereby rejected except the bid of Voice Data Systems in the total three year amount of \$257,492.40, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal three year contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Information Systems Fund, Contractual Services Account in the amount of \$31,750.80 annually (Account #631-2650-872.34-90) and the Information Systems Fund, Repair & Maintenance Account (Account #631-2650-872.43-78) as follows: FY11 \$37,440; FY12 \$54,080; FY13 \$54,080 and FY14 \$16,640 and is contingent upon available budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Darany.

9-567-10. RESOLVED: That all quotes received for Employer-Paid Long Term Disability Insurance are hereby rejected except the quote of National Insurance Services in the total three-year amount of \$29,784, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal three-year contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Employee Insurance Fund and is contingent upon adoption of the respective fiscal year budgets; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Shooshanian supported by Sareini.

9-568-10 RESOLVED: That all bids received for the Demolition of the former Greater Rehoboth Church are hereby rejected except the bid of Technical Service Professionals, LLC in the approximate amount of \$95,475, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the General Capital Improvement, Project C10000 Land Acquisition for Resale; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Shooshanian.

9-569-10. WHEREAS: The City is eligible for contract pricing through the State of Michigan's Extended Purchasing Program, Contract No. 071B8200115 for the Purchase of Two (2) Current Model Year Ford Patrol Vehicles, and

WHEREAS: Gorno Ford, Woodhaven, MI, the authorized distributor for the State of Michigan, will supply these vehicles at a unit cost of \$20,652; be it

RESOLVED: That a purchase order be awarded to Gorno Ford in the total amount of \$41,304 for the Purchase of Two (2) Current Model Year Ford Patrol Vehicles; be it further

RESOLVED: That this purchase order shall be financed from the Drug Law Enforcement Fund, Police Department, Drug Enforcement-Federal Forfeiture, Capital Equipment, Operating Equipment, Vehicle Account (Account #265-2420-543.74-10); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Shooshanian.

9-570-10. WHEREAS: Ordinance No. 05-1062, Section 2-568 (b) 6, authorizes sole source procurement in certain circumstances, and

WHEREAS: The Purchasing Agent has received a request for a sole source procurement; be it

RESOLVED: That Sirisdynix be designated as a sole source purchase of Hardware and Software Maintenance for the Library (Horizon) Computer System in the amount of \$27,376.22 and that the Purchasing Agent be authorized to enter into a purchase order for the aforementioned items; be it further

RESOLVED: That this purchase order shall be financed from the General Fund, Libraries, Professional Services in the amount of \$23,977.08 and the General Fund, Libraries, Repair and Maintenance in the amount of \$3,399.14; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Sareini supported by Shooshanian.

9-571-10. WHEREAS: The City presently has a contract with General Electric Company (C.R. 10-635-08 and C.R. 9-605-09) to Provide Appliances for the Senior Housing Buildings, and

WHEREAS: The original contract specifications allow for three (3) additional renewals of one year beyond the expiration of the present contract. This is the second renewal, and

WHEREAS: General Electric Company has offered to renew the present contract prices for the period of October 1, 2010 through September 30, 2011; be it

RESOLVED: That the contract to Provide Appliances for the Senior Housing Buildings is hereby renewed with General Electric for the period of October 1, 2010 through September 30, 2011 in the approximate amount of \$32,225; be it further

RESOLVED: That this contract renewal shall be financed from the Dearborn Towers and Senior Operating Fund, Housing Department, Operating Supplies, Equipment Non-Capital Account (Account #535-5500-901.61-90 & Account #536-5500-902.61-90) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Sareini supported by Shooshanian.

9-572-10. WHEREAS: The City presently has a contract with RIO Supply of Michigan (C.R. 10-679-09) to Provide Water Meters & Associated Parts, and

WHEREAS: The original contract specifications allow for two (2) additional renewals of one year beyond the expiration of the present contract. This is the first renewal, and

WHEREAS: RIO Supply of Michigan has offered to renew the present contract prices for the period of October 1, 2010 through September 30, 2011; be it

RESOLVED: That the contract to Provide Water Meters and Associated Parts is hereby renewed with RIO Supply of Michigan for the period of October 1, 2010 through September 30, 2011 in the approximate amount of \$220,000; be it further

RESOLVED: That this contract renewal shall be financed from the Water Fund, Department of Public Works, Water Supply Division, Operating Supplies, Water Meter Account (Account #591-2011-484.61-38) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Sareini.

9-573-10. RESOLVED: That City Council hereby authorizes the Mayor's Office to renew the City's membership with the U.S. Green Building Council (USGBC) in the amount of \$500 for the period of October 3, 2010 through October 3, 2011; be it further

RESOLVED: That this membership renewal shall be financed from the FY11 budget in Citywide Account #101-1299-421.65-00; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Sareini supported by Hubbard.

9-574-10. RESOLVED: That City Council hereby authorizes the Human Resources Department to renew their membership with the International Public Management Association (IPMA) in the amount of \$720 for the period of October 1, 2010 through September 30, 2011; be it further

RESOLVED: That this membership renewal shall be finance from the FY11 budget in Account #101-1810-861.65-00; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Sareini supported by Hubbard.

9-575-10. RESOLVED: That City Council hereby authorizes the Mayor's Office to enter into membership with ICLEI-Local Governments for Sustainability (ICLEI) in the amount of \$1,200 for the period of October 1, 2010 through October 1, 2011; be it further

RESOLVED: That this membership shall be financed from the FY11 budget in Citywide Account #101-1299-421.65-00; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Shooshanian.

9-576-10. WHEREAS: The City of Dearborn (City) awarded a seven-year contract to Republic Waste Services for Residential Waste, Recycling, Compost and Leaf Collection as authorized by C.R. 4-188-10. The annual amount for the first year of the contract is \$4,265,123, which is Proposal #4, Service Option 1-B-3 and included the option of Republic picking up bagged leaves at the curbside, and

WHEREAS: It was decided before the purchase order was issued that the option of bagged leaf pick-up would not be implemented for the 2010 Fall Season. The purchase order was issued in the lesser amount of \$4,085,432 for the first year using Proposal #4, Service Option 1-A-3, and

WHEREAS: The City and Republic Waste Services have come to an agreement on how Leaf Collection will be handled for the 2010 Fall Season as noted in Contract Amendment #1. This is a one-year agreement for 2010 only. Future commitments regarding leaf collection will be agreed to in writing by April 30th of each calendar year, and

WHEREAS: It has been requested that Contract Amendment #1 be approved for the change in service, as well as, the increase in the approximate amount of \$200,000 (or \$196,000 if lump sum payment) for the 2010 Fall Season; be it

RESOLVED: That City Council hereby approves Contract Amendment #1 with Republic Waste Services (C.R. 4-188-10) in the approximate amount of \$200,000 (or \$196,000 if lump sum payment) for the 2010 Fall Season Leaf Collection (bagged at curbside); be it further

RESOLVED: That this contract amendment shall be financed from the General Fund, Public Works, Sanitation Division, Contractual Services, Refuse Collection Services Account (Account #101-2072-463.34-35); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Sareini.

9-577-10. WHEREAS: The consultant contract (financed by MDOT Contract No. 99-0611/S1/A2) between the City of Dearborn (the City) and JJR, LLC for site selection, environmental assessment, and preliminary engineering and design of an Intermodal Passenger Rail Station was reduced by \$50,000 by the City Council on April 6, 2009 (C.R. 4-230-09) to set aside dollars for marketing the Ann Arbor-Detroit commuter rail system, and

WHEREAS: On August 17, 2009, the City Council authorized (C.R. 8-563-09) assignment of \$19,200 from the marketing budget to JJR, LLC (S1/A3) to complete a detailed site survey for construction purposes of the Intermodal Passenger Rail site at Elm and Michigan Ave., leaving \$30,800 in the marketing budget for the Ann Arbor-Detroit commuter rail system, and

WHEREAS: In the spring of 2010 the City was notified that it would receive a \$28.2 million grant from the American Recovery and Reinvestment Act (ARRA) Midwest High Speed Rail Program to construct the new intermodal facility in Dearborn, and

WHEREAS: Several specific design and cost estimating tasks are required to meet the requirements of the Federal Railroad Administration (FRA) and the Michigan Department of Transportation (MDOT) prior to receipt of the \$28.2 million grant, and

WHEREAS: The highest priority for the use of the remaining funds is to assist the City in assuring that the new Intermodal Passenger Rail Station moves forward effectively and efficiently and to meet the tight two-year implementation timeframe from the FRA; now therefore be it

RESOLVED: That the City Council authorizes the Mayor to enter into a contract modification (S1/A4) with JJR, LLC to increase their contract by \$30,800 to fund the Program Validation, Cost Estimating and Preliminary Engineering revisions bringing their contract total to One Million Two Hundred Thirty Four Thousand Dollars (\$1,234,000); be it further

RESOLVED: That all other terms and conditions of the contract shall remain in full force and effect and the remaining fund balance (J08000) authorized for the contract be carried forward and used to fund the contract amendment; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Shooshanian.

9-578-10. RESOLVED: That City Council hereby authorizes the removal of a 2009 delinquent water lien from the 2010 Tax Roll for the property located at 6910 Orchard (Parcel I.D. 82-10-071-19-030) in the amount of \$866.58, as this lien should have been applied to 6900 Orchard (Parcel I.D. 82-10-071-19-029); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Sareini supported by Hubbard.

9-579-10. RESOLVED: That City Council hereby authorizes the removal of a 2009 delinquent water lien from the 2010 Tax Roll for the property located at 1551 Riverside Dr. (Parcel I.D. 82-10-281-14-019) in the amount of \$572.16, as this lien should have been applied to 1911 Riverside Dr. (Parcel I.D. 82-10-213-27-009); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Sareini.

9-580-10. WHEREAS: Fatwan Munaser purchased from a private owner Lots 510 and 511 on Salina St. in 2007 for \$38,000 with the intention to build a home on each - one for him and one for his brother, and

WHEREAS: In August of 2006, before purchasing the two lots, Mr. Munaser asked the City of Dearborn Building and Safety Department whether he would be able to build homes on the lots, and

WHEREAS: The Building and Safety Department sent him a facsimile letter stating that the lots were "buildable" and Mr. Munaser purchased them with the intention of building homes on them, and

WHEREAS: After he purchased the lots, Mr. Munaser discovered that he would not be able to build on Lot 510 because a sewer line runs directly through the property. A search of the records reveals that there is no recorded easement on the lot, and

WHEREAS: Mr. Munaser filed a claim with the City asking to be compensated for his loss since he cannot build on Lot 510, and

WHEREAS: As a collateral issue, while researching the claim, it was discovered that the property changed hands several times. The City had once owned the lots, selling them to S & S Builders in 1995. As part of that sale, the City retained a right of reverter in the event that S & S failed to construct houses within one year, and

WHEREAS: S & S Builders failed to construct the houses within the time allotted. S & S was granted at least two one-year extensions of time in which to build. S & S failed to build on the lots and deeded them by quit claim to another owner in 2006, and

WHEREAS: The property changed hands another time before it was sold to Mr. Munaser in 2007. Unfortunately, the City never exercised its right to take the property back when the conditions had not been met by S & S Builders from the sale in 1995, and

WHEREAS: Now, though he cannot build a house on Lot 510, Mr. Munaser has proposed to keep both lots, building a house on Lot 511 only. He would like to retain Lot 510 as side yard for the house he builds on Lot 511, and

WHEREAS: Mr. Munaser had requested to be compensated for \$18,000 (part of purchase price plus taxes

and maintenance) since he cannot build a house on Lot 510. He argues that Lot 510 is virtually worthless, except as side yard for Lot 511, and

WHEREAS: Because City employees gave Mr. Munaser incorrect information when he inquired about the buildability of the lots before he purchased them, it is recommended that he be compensated for his actual loss -- the difference between the value of Lot 510 as a buildable lot versus its value as a non-buildable lot, and

WHEREAS: According to the value range submitted by the City Assessor's Office, the nonbuildable land value is \$14,900 and the buildable value is up to \$25,300. As such, it is recommended that Mr. Munaser be compensated \$10,000 by the City, and

WHEREAS: Mr. Munaser believes he should also be compensated for his taxes and maintenance. The title company agreed to pay him an additional \$3,000 and has requested that the City release any claim to the right of reverter from the sale to S & S Builders in 1995, and

WHEREAS: It is recommended that the City release the 1995 right of reverter since it is unlikely that the City would legally prevail on any claim to the property. The City failed to enforce the terms of the right of reverter against S & S Builders at the time S & S failed to perform. Legally, owners of estates subject to a condition subsequently retain ownership of the property, even if they don't fulfill their promises, unless the grantor affirmatively exercises its right of reentry, and

WHEREAS: Mr. Munaser is agreeable to the proposed resolution to his claim. Therefore, it is recommended that the City resolve Mr. Munaser's claim for \$10,000 upon execution of a release. It is also recommended that the right of reverter be released and that Mr. Munaser be required to combine Lots 510 and 511, agreeing they can never be split or recombined in the future. He will be able to construct a house that encompasses both lots, understanding that the City will maintain a recorded easement for the sewer line; therefore be it

RESOLVED: That the City resolves Mr. Munaser's claim for \$10,000 upon execution of a release; be it further

RESOLVED: That City's claim to the right of reverter from the sale to S & S Builders will be released; be it further

RESOLVED: That Mr. Munaser is required to combine Lots 510 and 511, agreeing that they can never be split or recombined in the future; be it further

RESOLVED: That Mr. Munaser will be able to construct a house that encompasses both lots, except for the area that contains the sewer line on Lot 510; be it further

RESOLVED: That the City will record an easement for the area where the sewer line is located on Lot 510; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Shooshanian supported by Darany.

9-581-10. WHEREAS: City Council previously authorized Abdulrahman and Ghanimah Elhaj to purchase the vacant lot located at 6441 Steadman for \$8,000 so that they may combine it with the adjacent lot they own, and

WHEREAS: Council Resolution 6-342-10 required Mr. and Mrs. Elhaj to close on the property within 90 days of the resolution. The 90-day deadline to close expired on September 5, 2010, and

WHEREAS: Mr. and Mrs. Elhaj are requesting a 6-month extension in which to close on the vacant lot located at 6441 Steadman, and

WHEREAS: Mr. and Mrs. Elhaj have submitted the \$100 fee to accompany their request for an extension to close, and

WHEREAS: Mr. and Mrs. Elhaj submitted a non-refundable deposit in the amount of \$800 when they returned the purchase agreement to the Department of Law. The check was returned for non-sufficient funds. Therefore, they have no valid earnest money deposit, as required by the purchase agreement, and

WHEREAS: Mr. and Mrs. Elhaj also owe approximately \$12,000 in taxes for the years 2008, 2009, and 2010 and as of September 9, 2010, they have a delinquent water bill in the amount of \$1,158.02; therefore be it

RESOLVED: That Mr. and Mrs. Elhaj request for a 6-month extension to close on 6441 Steadman is denied; be it further

RESOLVED: That when all taxes and the water bill are paid and made current, Mr. and Mrs. Elhaj may contact the City to begin the side-yard sale process over again; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Hubbard.

9-582-10. WHEREAS: The City of Dearborn has been awarded an allocation of \$970,800 for the Energy Efficiency and Conservation Block Grant (EECBG) Program from the U.S. Department of Energy, and

WHEREAS: The City of Dearborn has recognized and appropriated \$936,500 to date and needs to recognize and appropriate the remaining \$34,300 in EECBG funding, and

WHEREAS: The City will be utilizing the remaining allocation to implement the projects outlined in its Energy Efficiency and Conservation Strategy (EECS); be it

RESOLVED: That the Economic and Community Development Department and the Mayor's Office is hereby authorized to administer the program in accordance with program regulations; be it further

RESOLVED: That the Finance Department is hereby authorized to recognize and appropriate the remaining grant award of \$34,300 in General Capital Improvement Fund Project Z77700 Energy Efficiency and Conservation Block Grant-American Recovery and Reinvestment Act; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Darany.

9-583-10. RESOLVED: That the agreement between the City of Dearborn and the Municipal Workers of Dearborn Bargaining Unit be and is hereby adopted for the period beginning July 1, 2008 through June 30, 2010 pursuant to Civil Service Resolution No. 7360-10; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Darany.

9-584-10. WHEREAS: The City of Dearborn has undertaken a five-year Recreation Master Plan, which describes the physical features, existing recreation facilities, and the desired actions to be taken to improve and maintain recreation facilities during the period beginning 2010 through the end of 2015, and

WHEREAS: Focus group meetings were held with 11 different recreation stakeholder groups over three separate dates in 2010 (February 10, February 26, and March 9) to provide an opportunity for direct input regarding ideas, opinions, and discussion of the future of parks and recreation in the City of Dearborn, and

WHEREAS: An online input survey was made available to the public from January 6 through March 8, 2010, and

WHEREAS: An informational website (dearbornrecplan.com) for the Recreation Master Plan was made available to the public which offered them the opportunity for further public comment, and

WHEREAS: The draft Recreation Master Plan was made available for review and public comment from August 13, 2010 to September 14, 2010, and

WHEREAS: A public meeting was held with the Recreation Commission on September 14, 2010 at 7:30 P.M. at the Ford Community and Performing Arts Center, Studio A, 15801 Michigan Avenue, Dearborn, MI, 48126, to provide an opportunity for citizens from the City of Dearborn to express opinions, ask questions, and discuss all aspects of the Recreation Master Plan, and

WHEREAS: The City of Dearborn has developed the Recreation Master Plan for the benefit of the entire community and wishes to use the plan as a document to assist in meeting the recreation needs of the community; now, therefore be it

RESOLVED: That City Council hereby adopts said Recreation Master Plan as a guideline for improving recreation for the residents of the City of Dearborn; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Sareini.

9-585-10. WHEREAS: The Department of Recreation has requested that City Council award a professional services contract to A Goodsmack Productions Inc. and/or their designee in the amount of \$30,000, as well as, approve a not to exceed \$500 encumbrance for incidental expenditures for a performance of Whose Live Anyway on Thursday, May 5, 2011 at 8:00 P.M. at the Ford Community and Performing Arts Center (FCPAC), and

WHEREAS: The Dearborn City Council is being asked to approve funding for the artist contract and related artist expenses for the performance as follows:

Artist and Related Fees

Guest Artists Fees	\$30,000
Hospitality/Catering	500
Ground Transportation	<u>0</u>

Total Artist & Related Fees: \$30,500

be it

RESOLVED: That City Council hereby authorizes the professional services contract with A Goodsmack Productions Inc. with payment to be made to that company and/or their designee, in the amount of \$30,000 for a performance of Whose Live Anyway on Thursday, May 5, 2011 at 8:00 P.M. at the Ford Community and Performing Arts Center (FCPAC); be it further

RESOLVED: That City Council hereby authorizes the Mayor, or his designee, to execute the Ford Community and Performing Arts Center Agreement in the amount of \$30,000 as well as an amount not to exceed \$500 for incidental artist related expenditures bringing the total professional services contract to \$30,500. This performance will be part of the 2010-2011 Professional Season; be it further

RESOLVED: That this agreement shall be financed out of the FY2011 General Fund, Recreation Department, Cultural Arts Division Professional Shows/Contractual Services Account Budget, Distribution #101-3033-734.34-80; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Sareini supported by Hubbard.

9-586-10. RESOLVED: That the Dearborn High School Student Council be and they are hereby granted permission to conduct their Annual Homecoming Parade on Friday, October 15, 2010 from 3:45 P.M. to 4:30 P.M, subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the parade route shall be as follows: Beginning in the student and staff parking lots, parade participants will proceed out onto Outer Drive and head north up to the intersection of S. York and Fordson; south and then west on Fordson to S. Highland; north on S. Highland to Marshall; east on Marshall to S. York; south on S. York back to Outer Drive; south on Outer Drive finishing back in the student and staff parking lots; be it further

RESOLVED: That City Council hereby authorizes assistance from the Police Department for traffic control and as an escort for the entire duration of the parade route; be it further

RESOLVED: That this event is subject to reimbursement for City services; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Darany supported by Sareini.

9-587-10. RESOLVED: That Fordson High School be and they are hereby granted permission to conduct their Homecoming Parade on Friday, October 15, 2010 from 6:00 P.M. to 6:45 P.M., subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the parade route is the same as last year and is attached; be it further

RESOLVED: That City Council hereby authorizes assistance from the Police Department for traffic control and as an escort for the entire duration of the attached parade route; be it further

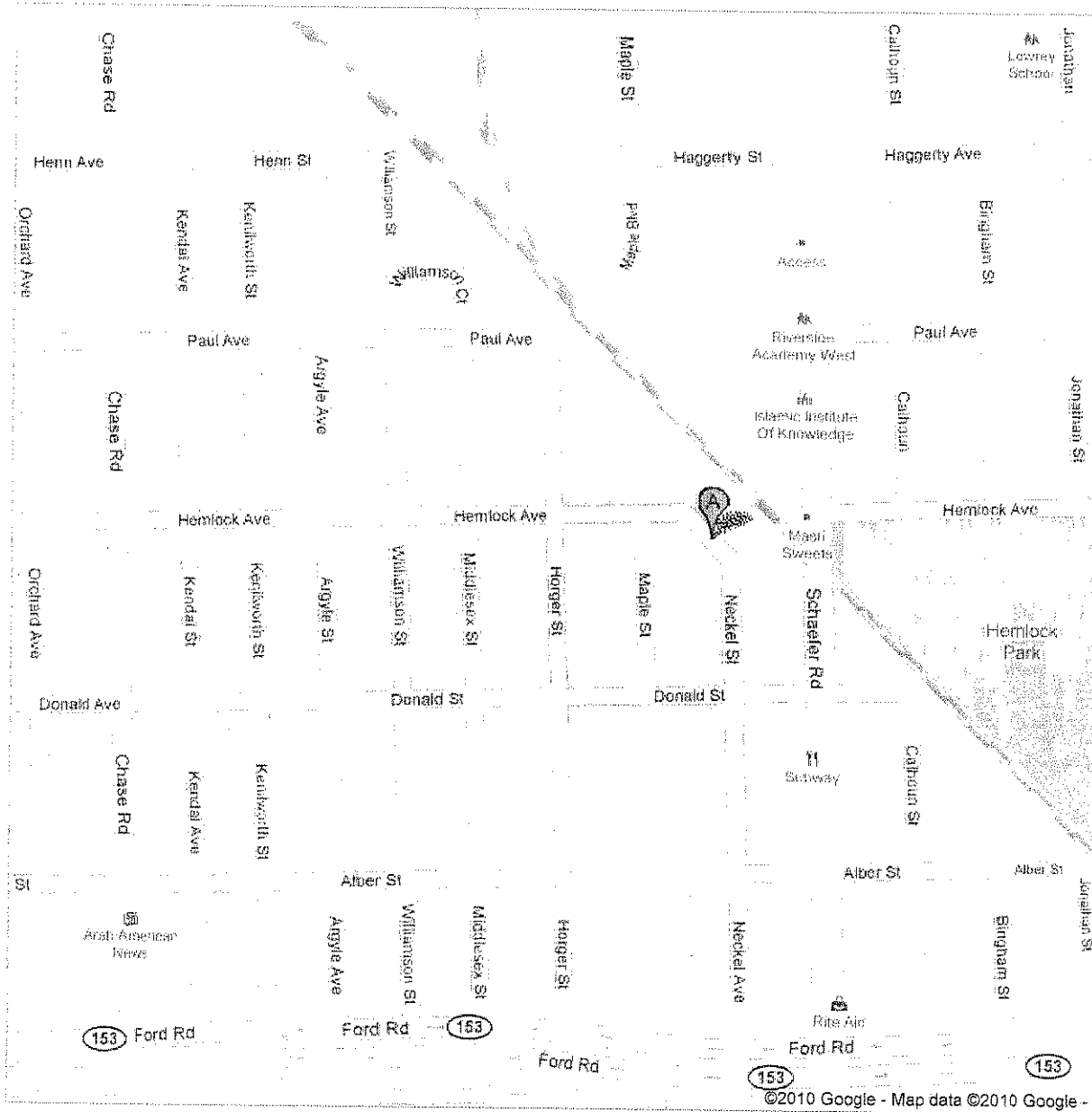
RESOLVED: That this event is subject to reimbursement for City services; be it further

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).



Address Hemlock Ave & Neckel Ave Dearborn, MI 48126

Get Google Maps on your phone
Text the word "GMAPS" to 466453



FORDSON
Homecoming
Oct 15
6:00

By Hubbard supported by Darany.

9-588-10. RESOLVED: That the Church World Service and First Presbyterian Church of Dearborn be and they are hereby granted permission to conduct their Annual Dearborn/Dearborn Heights CROP Hunger Walk on Sunday, October 3, 2010 beginning at 2:00 P.M. subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the 2010 Dearborn/Dearborn Heights CROP Hunger Walk event shall consist of three separate walk routes (1-mile, 3-mile and 6-mile) running simultaneously in West Dearborn, each beginning and ending at the First Presbyterian Church (see attached walk routes); be it further

RESOLVED: That all walk event participants shall be restricted to utilizing the sidewalks only, and no portion of the roadways designated within the walk routes and must make lawful and proper use of all traffic signals and signs in a manner so as not to interfere with any vehicular or pedestrian traffic; be it further

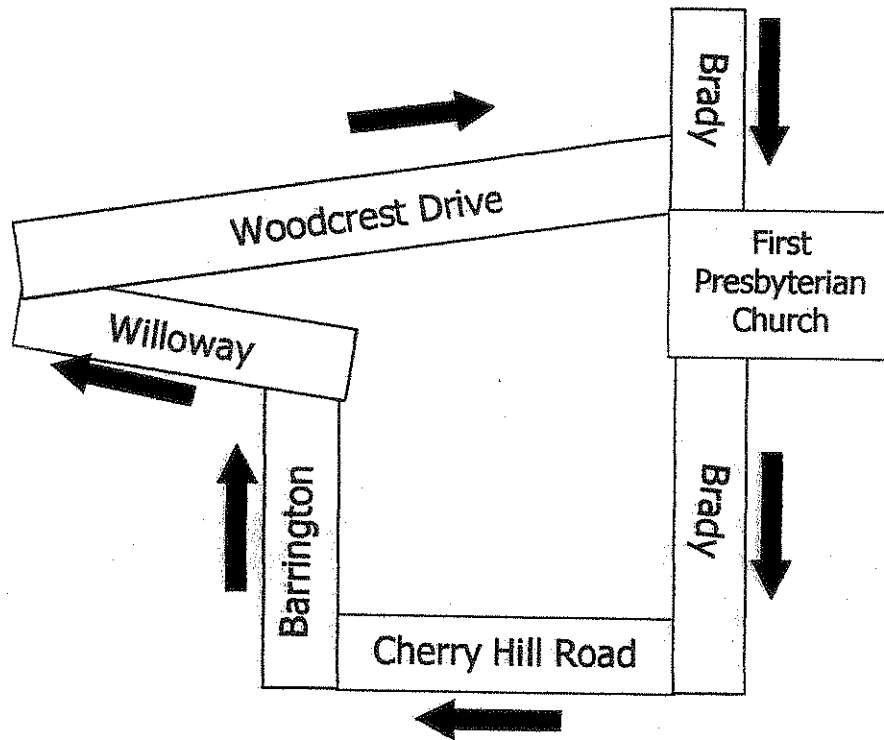
RESOLVED: That City Council hereby authorizes assistance from the Police Department with beat patrol traffic safety spot checks for the duration of the event; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

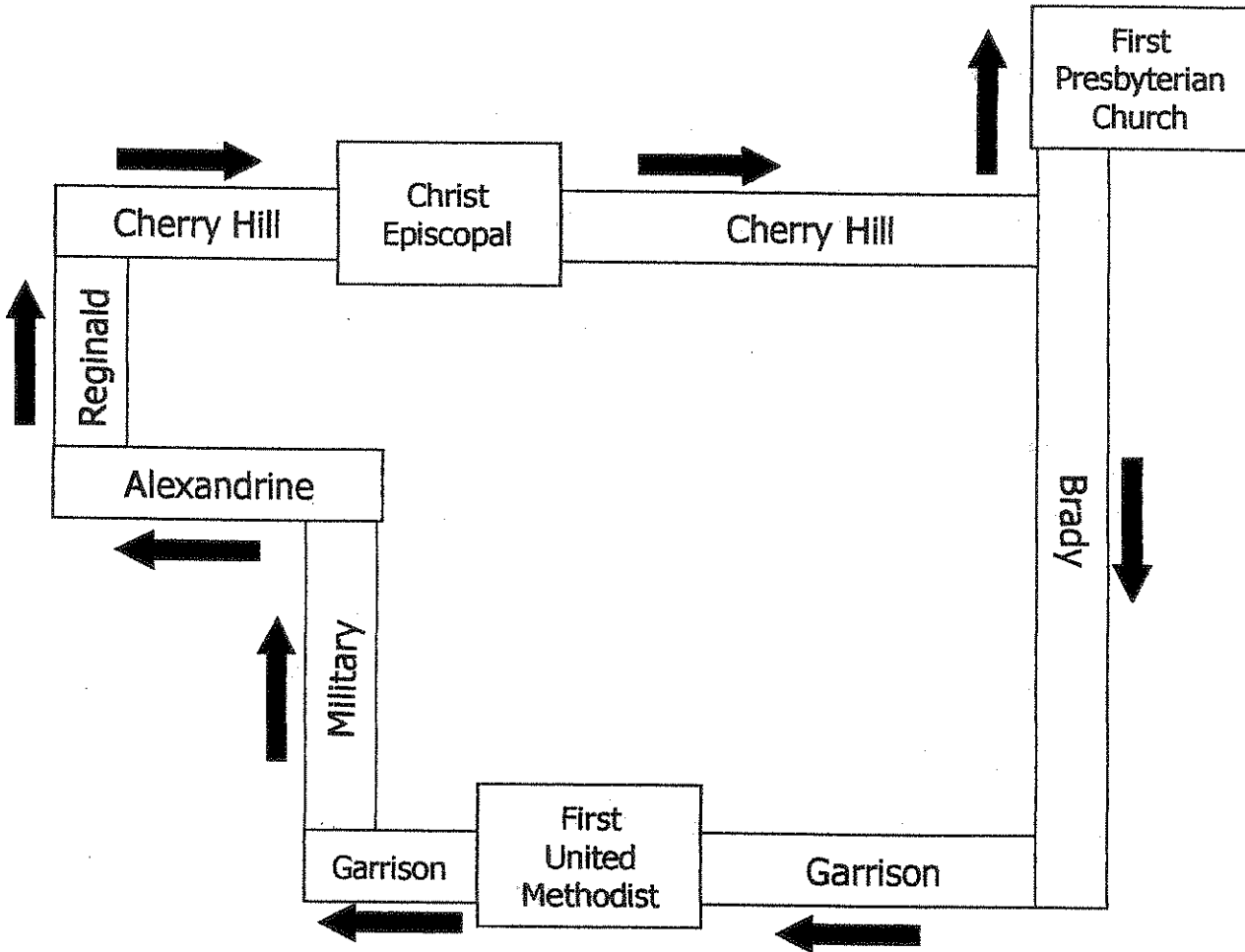
One-Mile Route

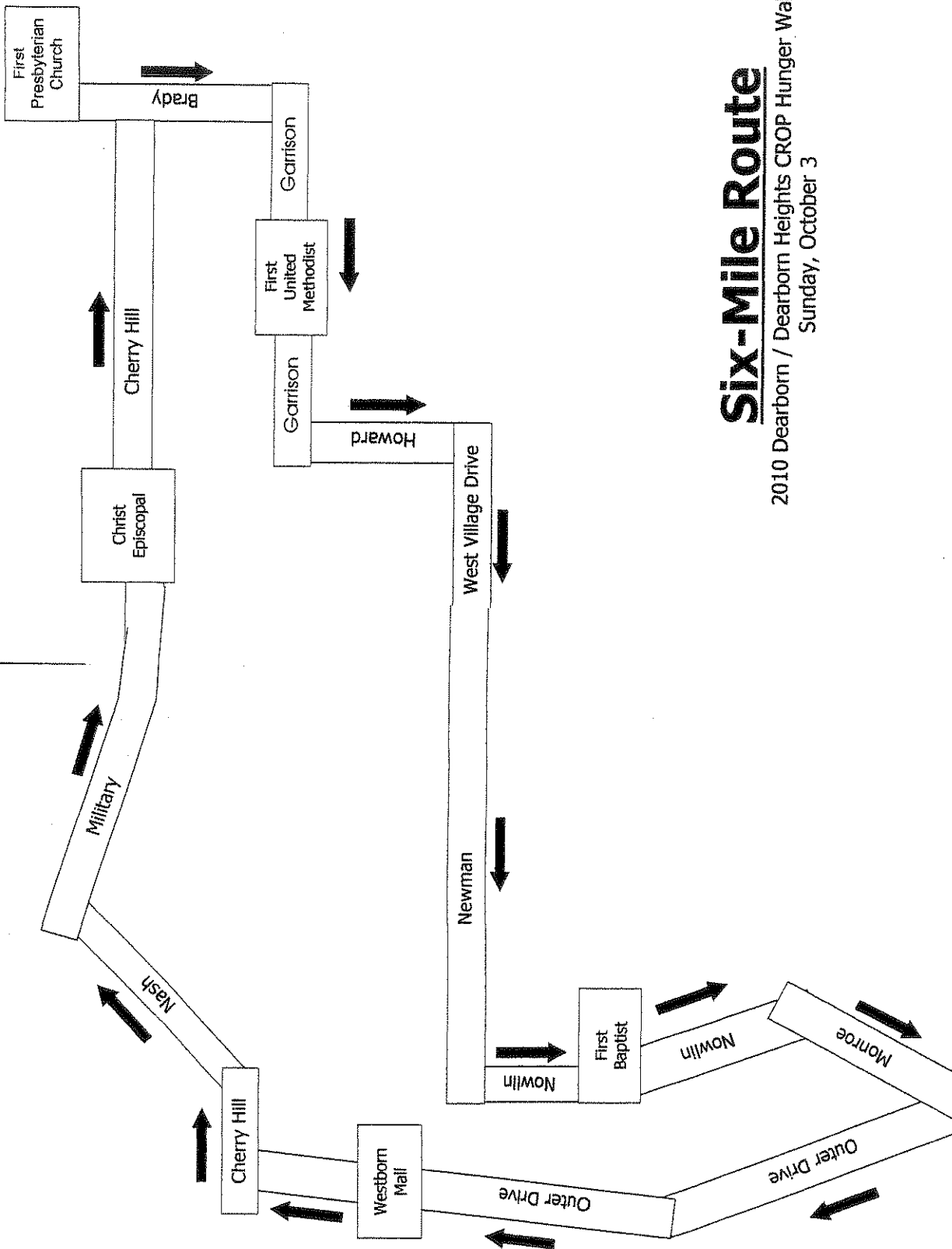
2010 Dearborn / Dearborn Heights CROP Hunger Walk
Sunday, October 3



Three-Mile Route

2010 Dearborn / Dearborn Heights CROP Hunger Walk
Sunday, October 3





Six-Mile Route

2010 Dearborn / Dearborn Heights CROP Hunger Walk
 Sunday, October 3

By Sareini supported by Hubbard.

9-589-10. RESOLVED: That the Girl Scouts of Southeastern Michigan be and they are hereby granted permission to solicit within the community for their Annual Candy/Nut Sale from September 27, 2010 through November 29, 2010 and their Annual Cookie Sale from December 20, 2010 through March 27, 2011, subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Shooshanian supported by Darany.

9-590-10. RESOLVED: That City Council hereby denies the request of Philip Cavanagh, JP, MBA, on behalf of his client, Nabil Fakh of NHF Holdings, LLC, to rezone the property (Parcels 82-11-291-27-003 and 82-11-291-27-004) at the southwest corner of Michigan Avenue and Westwood from a Business B (Community Business District) to a Business C (General Business District) zoning classification.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported by Sareini.

9-591-10. RESOLVED: That receipt of a donation in the amount of \$100 from the "Save Our Pools" Committee to the City of Dearborn's Outdoor Neighborhood Pools is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby extends its appreciation to the donor for the aforementioned gift; be it further

RESOLVED: That City Council hereby directs the City Treasurer to credit this money in the "Save Our Pools" Designated Purposes Fund, Project #Z77612, Distribution Account #276-3045-365.90-00, and authorizes the Director of Finance to process expenditures from this account in support of the purpose for which it was donated.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Tafelski supported unanimously.

9-592-10. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Paul DiMarco, Jr., and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Tafelski supported unanimously.

9-593-10. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Wayne Doran, Jr., and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

By Hubbard supported unanimously.

9-594-10. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Daniel McCormick, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Darany, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Abraham (1).

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 8:20 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk